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PATENTS
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 00-387-P)

In re Application of:)
)
Benkovic et al.)
) Group Art Unit: 1623
Serial No.: 10/615,703)
) Examiner: TBD
Filing Date: July 9, 2003)
)
For: Treatment of Bacterial Induced Diseases)
Using DNA Methyl Transferase Inhibitors)

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION

I, Kevin E. Noonan, residing at 2600 N. Lakeview, Chicago, IL declare as follows with respect to U.S. Patent Application Serial No. 10/615,703 ("present Application"), entitled "Treatment of Bacterial Induced Diseases Using DNA Methyl Transferase Inhibitors." I have personal knowledge of the following facts, and if called to testify, I would and could testify competently to the matters set forth herein.

1. I am an attorney at the law firm McDonnell Boehnen Hulbert and Berghoff LLP ("MBHB"), and counsel for Applicants, The Penn State Research Foundation and The Board of Trustees of Leland Stanford Jr. University.
2. Dr. Stephen J. Benkovic, Dr. Lucy Shapiro, Dr. Craig Stephens, Dr. Lyn Sue Kahng, Dr. Anthony Berdis, Dr. Irene Lee, and Dr. Rachel Wright are named as joint inventors on the present Application.
3. The present Application claims priority to International Patent Application Serial No. PCT/US97/16593, published March 26, 1998 having Publication No. WO 98/12206. Dr. Benkovic, Dr. Shapiro, Dr. Wright, Dr. Stephens, Dr. Kahng, Dr. Berdis and Dr. Lee

are named inventors in Application PCT/US97/16593. A copy of the cover page for published application WO 98/12206 is attached hereto as Exhibit A.

4. The present Application also claims priority to US Non-Provisional Patent Application Serial No. 09/269,137, which is a '371 national phase filing of PCT/US97/16593, and which issued as US Patent Number 6,413,751 on July 2, 2002. Dr. Benkovic, Dr. Shapiro, Dr. Wright, Dr. Stephens, Dr. Kahng, Dr. Berdis and Dr. Lee are named inventors in Application 09/269,137. A copy of the cover page for US Patent 6,413,751 is attached hereto as Exhibit B.
5. Dr. Benkovic, Dr. Shapiro, Dr. Wright, Dr. Stephens, Dr. Kahng, Dr. Berdis and Dr. Lee also executed a Declaration for Patent Application for application 09/269,137, which issued as US Patent 6,413,751 on July 2, 2002.
6. Dr. Wright executed an assignment and agreement for the invention to which application 09/269,137 is directed. In the executed assignment and agreement, she:
 - a. sold, assigned and transferred to The Board of Trustees of the Leland Stanford Jr. University as assignee, and its successors, assigns and legal representatives, the entire right, title and interest, for all countries in and to certain inventions relating to DNA Adenine Methyltransferases and Uses Thereof described in an application for Letters Patent of the United States, filed as U.S. Serial No. 09/269,137 on 07/19/1999 and all the rights and privileges under any and all Letters Patent that may be granted therefore;
 - b. requested that any and all patents for said inventions be issued to said assignee, its successors, assigns and legal representatives, or to such nominees as it may designate;
 - c. agreed that, when requested, they will without charge to said assignee but at its expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for securing and maintaining patents for said inventions in any and all countries and for vesting title thereto in said assignee, its successors, assigns and legal representatives or nominees; and
 - d. authorized and empowered said assignee, its successors, assigns and legal representatives or nominees, to invoke and claim for any application for patent

or other form of protection for said inventions filed by it or them, the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it, and to invoke and claim such right of priority without further written or oral authorization from her.

7. This assignment and agreement was recorded on August 26, 1999 at reel/frame number 010195/0981.
8. To date, only Dr. Benkovic, Dr. Shapiro, Dr. Stephens, Dr. Kahng, Dr. Berdis and Dr. Lee have executed and returned to MBHB a combined Declaration and Power of Attorney for the present Application. Dr. Wright has not executed or returned the combined Declaration and Power of Attorney document.
9. No current email or mailing address for Dr. Wright is known to this office or any of her former colleagues and associates whom this office has contacted.
10. Dr. Wright no longer works at Stanford University and never worked at Penn State University.
11. The last known home address for Dr. Wright is 1022 Mallet Court, Menlo Park, CA 94025.
12. The undersigned declares that a diligent effort was made to obtain a signed combined Declaration and Power of Attorney for the present Application from Dr. Wright. The facts proving this effort are as follows:
 - a. On May 7, 2004, I had Ms. Gwen Benoy, a paralegal at MBHB, send to Dr. Wright via United States Postal Service express mail to her last known home address a copy of the filing receipt for the present Application, and a combined Declaration and Power of Attorney. A cover letter with instructions and a request to execute and return the documents was included.
 - b. On June 4, 2004, the express mail package containing cover letter and documents sent on May 7, 2004 was returned to MBHB, marked "unclaimed". On the receipt it is noted that delivery attempts were made on 5/8/04 and 5/10/04. A copy of the returned express mail receipt is attached along with the cover letter of the mailing, as Exhibit C.

- c. On May 11, 2004, I instructed Ms. Benoy to contact co-inventor Dr. Shapiro, because Dr. Wright's post-doctoral work was done at Stanford University with Dr. Shapiro and Dr. Stephens. Dr. Shapiro informed Ms. Benoy that Dr. Wright has moved back to her native country, New Zealand, and the Stanford laboratory does not have current address information for Dr. Wright.
13. Additional diligent efforts to locate Dr. Wright were made in addition to my own efforts. I directed Ms. Rebecca Brown, a summer law clerk at our offices, to conduct certain activities in an attempt to find Dr. Wright. The facts proving this effort are as follows:
- a. Ms. Brown searched for Dr. Wright based on past associations with Stanford University and Pennsylvania State University. No current information on Dr. Wright was found.
 - b. Additionally, Ms. Brown ran Google searches (www.google.com) for Dr. Wright along with various terms associated with her field of expertise and specialization. The most recent results yielded for these searches were references to articles written in 1995 by Dr. Wright during her fellowship at Stanford, where she worked with Dr. Lucy Shapiro, who is also named as an inventor in this patent application.¹ Another version of that article, including additional research by members of the Department of Developmental Biology at Stanford University, was published in March of 1998.² Stanford University's website lists a reference to Dr. Wright as a fellow and recipient of a Stanford fellowship grant.³ Also, Dr. Wright, along with Dr. Shapiro and others, published an article in the June 1996 issue of "Genes and Development."⁴ Most recently, Dr. Wright was mentioned in the acknowledgements of an article published in 1999 by Dr. Shapiro and

1 <http://www.pnas.org/cgi/content/abstract/93/3/1210>, last viewed May 26, 2005;
<http://www.pubmedcentral.nih.gov/articlerender.fcgi?artid=19662&rendertype=abstract>, , last viewed May 26, 2005.

2 <http://www.pnas.org/cgi/content/abstract/95/6/2874>, last viewed May 26, 2005.

3 http://www.stanford.edu/dept/DoR/Fellows/publications/sgf_current/faq_09.html, last viewed May 26, 2005.

4 <http://hum-molgen.org/mail-archive/1996-Jun/msg00017.html>, last viewed May 26, 2005.

others.⁵ No references to Dr. Wright were found later than the acknowledgement in the 1999 article.

- c. Ms. Brown telephoned Patricia Cook, the Director of the Stanford Graduate Fellowships Office Program where Dr. Wright completed a fellowship. She had no current information on Dr. Wright's whereabouts.⁶
- d. Ms. Brown also phoned Dr. Shapiro, who is a former colleague of Dr. Wright's and named as an inventor in this patent application. Dr. Shapiro had no information on Dr. Wright's whereabouts other than that she believed that Dr. Wright had moved back to New Zealand, and that her husband's name is Michael Croot.⁷
- e. Ms. Brown searched an online telephone directory for Michael Croot in New Zealand; however, all listings for that name were no longer in service.⁸
- f. Ms. Brown contacted the international operator, but was unable to locate a listing for Michael Croot in any of the cities listed in the online directory.⁹
- g. Ms. Brown also ran internet searches on Mr. Croot and was able to locate the subject matter of his doctoral thesis written in 1989 at the University of Otago, but no current contact information.¹⁰
- h. A search in all of New Zealand for persons with the last name Wright yielded 2671 results.¹¹ Ms. Brown did not attempt to contact each of these listings.
- i. Ms. Brown made contact with an operator in New Zealand and an international operator, both of whom told us that they were unable to run a nation-wide search for a Rachel Wright.¹²

5 <http://jb.asm.org/cgi/content/full/181/17/5135>, last viewed May 26, 2005.

6 Telephone call made by Ms. Brown to Patricia Cook, 2:00PM CST, May 24, 2004.

7 Telephone call made by Ms. Brown to Lucy Shapiro, May 26, 2005.

8 http://www.whitepages.co.nz/Pages/WhitePages_SearchResultsDefault/0,2121,a1281,00.html?fpQuery=croot&fpkey=&fpLoc=&fpListType=&fpExact=off&x=0&y=0, last viewed May 26, 2005.

9 Telephone call made by Ms. Brown to international operator, 4:00PM CST, May 27, 2005.

10 http://www.physics.otago.ac.nz/electronics/electronics_theses.html, last viewed May 31, 2005.

11 http://www.whitepages.co.nz/Pages/WhitePages_SearchResultsDefault/0,2121,a1281,00.html?fpQuery=Wright&fpkey=&fpLoc=&fpListType=RES&fpExact=off&x=13&y=18, last viewed May 26, 2005.

12 Telephone call made by Ms. Brown, 3:00PM CST, May 26, 2005.

- j. . An online telephone directory search in all of New Zealand for "Rachel Wright" yielded one result, for Darren and Rachel Wright, in Christchurch.¹³ This number is no longer in service.¹⁴
- k. A search for Rachel Wright in Christchurch yielded one listing for an R. Wright. This listing was not Dr. Wright's.¹⁵
- l. An online telephone directory search for "Rachel Wright" in the United States yielded 153 results¹⁶, with 46 in California.¹⁷ Ms. Brown did not attempt to contact each of these listings.
- m. Ms. Brown generally searched United States sites for any mention of the death of Dr. Wright or her husband, Michael Croot. Additionally, Ms. Brown searched various New Zealand newspapers for an obituary notice for Dr. Wright or her husband, but found no relevant information for either country.¹⁸
- n. I contacted one of our Australian agents, Ms. Linda Govenlock of Spruson & Ferguson, to seek suggestions for finding Dr. Wright.¹⁹
- o. Ms. Govenlock sent us a facsimile on June 3, 2005, stating that Spruson & Ferguson's records indicated that the latest information on Dr. Wright was that she was employed by Incyte Pharmaceuticals in Palo Alto, CA in 2000.²⁰
- p. I visited the Incyte Pharmaceuticals website (www.incyte.com) and determined that their corporate headquarters are now located in Wilmington, Delaware. I contacted Incyte Pharmaceuticals, and was notified that the

13 http://www.whitepages.co.nz/Pages/WhitePages_SearchResultsDefault/0,2121,a1281,00.html?fpQuery=Rachel+Wright&fpkey=&fpLoc=&fpListType=RES&fpExact=off&x=0&y=0, last viewed May 26, 2005.

14 Telephone call made by Ms. Brown, 4:00PM CST, May 25, 2005.

15 Telephone call made by Ms. Brown, 4:00 PM CST, May 27, 2005.

16 <http://find.intelius.com/search-summary-out.php?ReportType=1&searchform=name>, last viewed May 26, 2005,

17 <http://find.intelius.com/search-summary-out.php?ReportType=1&searchform=name>, last viewed May 26, 2005.

18 Search completed by Ms. Brown, June 2, 2005.

19 Exhibit D, Email from Dr. Kevin Noonan to Linda Govenlock of Spruson and Ferguson, June 2, 2005.

20 Exhibit E, Facsimile from Linda Govenlock of Spruson and Ferguson, June 3, 2005.

company had closed all west coast operations. I was also told that most of the employees of Incyte's west coast divisions were laid off, and that Dr. Wright was not among those employees that had relocated with the companies east coast locations. Dr. Wright's whereabouts subsequent to leaving Incyte Pharmaceuticals were not known by anyone at Incyte.²¹

I hereby declare further that all statements made herein to my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 6/13/05

Signed: _____

Kevin E. Noonan

²¹ Telephone call made by Dr. Kevin Noonan, on or about June 7, 2005.

PCT

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International Bureau



A

INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

<p>(51) International Patent Classification⁶ : C07H 21/04, 21/02, C12N 15/63, 15/85, 9/10, C12Q 1/68, 1/48, G01N 33/567, C07K 16/40</p>	<p>A1</p>	<p>(11) International Publication Number: WO 98/12206 (43) International Publication Date: 26 March 1998 (26.03.98)</p>
<p>(21) International Application Number: PCT/US97/16593 (22) International Filing Date: 17 September 1997 (17.09.97) (30) Priority Data: 60/020,089 19 September 1996 (19.09.96) US (71) Applicants (for all designated States except US): THE BOARD OF TRUSTEES OF LELAND STANFORD JR. UNIVERSITY [US/US]; Stanford University, 105 Encina Hall, Stanford, CA 94305 (US). THE PENN STATE RESEARCH FOUNDATION [US/US]; 304 Old Main, University Park, PA 16802 (US). (72) Inventors; and (75) Inventors/Applicants (for US only): SHAPIRO, Lucy [US/US]; 724 Esplanada Way, Stanford, CA 94305 (US). BENKOVIC, Stephen, J. [US/US]; 771 Teaberry Lane, State College, PA 16803 (US). WRIGHT, Rachel [NZ/US]; 1022 Mallet Court, Menlo Park, CA 94025 (US). STEPHENS, Craig [US/US]; 339 Anna Avenue, Mountain View, CA 94043 (US). KAHNG, Lyn, Sue [US/US]; 1200 Dale Avenue #125, Mountain View, CA 94040 (US). BERDIS, Anthony [US/US]; 2077 Mary Ellen Lane,</p>		<p>State College, PA 16803 (US). LEE, Irene [CN/US]; 260 Toftrees Avenue #220, State College, PA 16803 (US). (74) Agents: WEBER, Kenneth, A. et al.; Townsend and Townsend and Crew LLP, 8th floor, Two Embarcadero Center, San Francisco, CA 94111 (US). (81) Designated States: AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GE, GH, HU, ID, IL, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, UA, UG, US, UZ, VN, YU, ZW, ARIPO patent (GH, KE, LS, MW, SD, SZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, ML, MR, NE, SN, TD, TG).</p> <p>Published With international search report. Before the expiration of the time limit for amending the claims and to be republished in the event of the receipt of amendments.</p>
<p>(54) Title: DNA ADENINE METHYLTRANSFERASES AND USES THEREOF (57) Abstract The present invention relates to the isolation and sequencing of a novel class of methyltransferase genes, including the methyltransferase gene from <i>Rhizobium meliloti</i>, <i>Agrobacterium tumefaciens</i>, <i>Brucella abortus</i>, and <i>Helicobacter pylori</i>. The invention further comprises efficient methods of assaying methyltransferase activity.</p>		

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312 913 0001 phone
312 913 0002 fax

May 7, 2004

Rachel Wright
1022 Mallet Court
Menlo Park, CA 94025

Re: US Patent Application filed July 9, 2003
Treatment of Bacterial Induced Diseases Using DNA Methyl Transferase Inhibitors
Owners: Penn State University and Stanford University
Inventors: Benkovic et al.
Our Reference No. 00-387-P

Dear Ms. Wright:

Enclosed is a copy of the U.S. Patent Office filing receipt for the above-referenced U.S. and PCT Patent Applications. The application was filed on July 9, 2003 and given Serial No. 10/615,703.

Also enclosed are formal papers for your signature. The Declaration and Power of Attorney is due on **May 15, 2004**. Please sign and date the Declaration where indicated. If any information in the Declaration regarding is incorrect (e.g., your postal address), please make the correction in permanent ink and then initial and date the correction. As soon as possible after receipt of this letter, kindly return the signed document in the enclosed pre-paid Express Mail envelope.

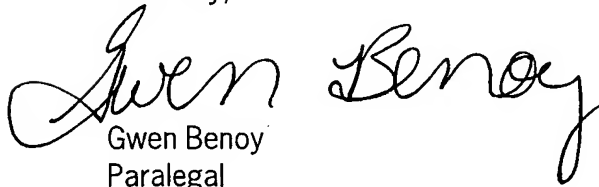
The enclosed Assignment should be executed before a notary public. You may return this document at your convenience, in case you do not have easy access to a notary public. The other document requires only your signature and must be returned before the due date noted above.

We remind you that under the U.S. Patent Laws, each person associated with the filing and prosecution of a patent application (including inventors and attorneys) has a duty of candor and good faith in dealing with the Office, including disclosing to the Patent Office all information of which the person is aware that may be considered by an Examiner to be

"material" to patentability. We enclose an information sheet regarding this Duty of Disclosure. As described, please provide us with copies of all publications and other information known to you that may be material to patentability. We will then submit that information to the PTO in an Information Disclosure Statement.

If you have any questions, you are welcome to contact us.

Sincerely,

A handwritten signature in cursive script that reads "Gwen Benoy". The signature is fluid and elegant, with the first name "Gwen" and last name "Benoy" clearly distinguishable.

Gwen Benoy

Paralegal

312 913 0001 ext 2006

benoy@mbhb.com

cc: Kevin E. Noonan

From: Noonan, Kevin
Sent: Thursday, June 02, 2005 12:44 PM
To: 'Linda.Govenlock@sprusons.co.au'; 'Linda.Govenlock@sprusons.com.au'
Subject: Request for assistance locating missing inventor
Importance: High

June 2, 2005 **VIA E-MAIL AND FACSIMILE WITH
CONFIRMATION BY AIRMAIL**

Ms. Linda Govenlock
Spruson & Ferguson
G.P.O. Box 3898
Level 35, St. Martins Tower
31 Market Street 2000
Sydney, New South Wales, 2001
Australia

Re: Request for assistance locating missing inventor

Dear Linda:

I am contacting you to see if you can provide us with any suggestions or (better still) assistance in locating one of the inventors named in a pending U.S. patent application whom we have been unable to find, so that she can sign a Declaration and Power of Attorney document required by the U.S. Patent and Trademark Office.

The U.S. patent application in question is assigned to Penn State University; your office helped us with Australian prosecution of a related case (Australian Pat. No. 774404). The person we are trying to locate is **Dr. Rachel Wright**. We have very little information about Dr. Wright's whereabouts. One of the other named inventors in the application, Dr. Lucy Shapiro, told us that she believed Dr. Wright had returned to New Zealand with her husband, **Michael Croot**. Although Internet searching on Dr. Wright has been fruitless, Michael Croot graduated with a degree in Physics from the University of Otago, located in Dunedin, New Zealand. Otherwise, we have no additional information on either Dr. Wright or her husband.

Because of your proximity to New Zealand, we would appreciate any suggestions or assistance you might be able to provide for locating Dr. Wright.

Thank you in advance for your help.

Kevin E. Noonan

MBHB

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Chicago, IL 60606

(312) 913-2145 (direct)

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ABN 84 362 252 431 577403:MOB:LJG

Our Ref 3 June 2005

McDonnell Boehnen Hulbert & Berghoff
300 South Wacker Drive
Chicago IL 60606-6709
United States of America

Attention: Dr Kevin E. Noonan

BY FAX TO: +1 312 913 0002
....2 pages, including this page

This facsimile is only for the use of the individual or entity to whom it is addressed and contains information which may be confidential and the subject of legal privilege. If you receive this communication in error, please destroy it and notify us immediately by fax or telephone. Thank you.

Dear Dr Noonan

Re: Location of inventor – Rachel Wright

I refer to your email of 3 June 2005.

The most recent contact address we have been able to find for Dr Rachel Wright is at Incyte Pharmaceuticals, Palo Alto, CA 94304, United States of America, where it appears she was (and possibly still is) employed in 2000. I have attached a copy of an abstract of a paper co-authored by Dr Wright – possibly one of the other authors can suggest an alternative contact if Dr Wright is no longer at Incyte.

Our other attempts to track Dr Wright (or her husband) though enquiries with Otago University in New Zealand have not yielded any further information so I hope the above contact is useful.

On a separate matter, I note that Dr Wright is not named as an inventor in the Australian patent you referred to (AU 774404; your ref: 00-387-D; our ref: 577403) – we assume this is correct! If the inventorship details need to be revised, please contact us.

Yours faithfully

SPRUSON & FERGUSON

LINDA GOVENLOCK

Attach

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Abstract

■ Full Text

Figures and Tables

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Contents

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The *Brucella abortus* CcrM DNA Methyltransferase Is Essential for Viability, and Its Overexpression Attenuates Intracellular Replication in Murine Macrophages

Related material:

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GO

Gregory T. Robertson,^{1†} Ann Reisenauer,² Rachel Wright,^{2‡} Rasmus B Jensen,³ Lucille Shapiro,² and R. Martin Roop, II^{1*}

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ABSTRACT

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■ ABSTRACT

MATERIALS AND

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DISCUSSION

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The CcrM DNA methyltransferase of the α -proteobacteria catalyzes the methylation in the sequence GANTC. Like Dam in the enterobacteria, CcrM plays a regulatory role in *Caulobacter crescentus* and *Rhizobium meliloti*. CcrM is essential for viability in these organisms, and we show here that it is also essential in *Brucella abortus*. Further deletion of the *ccrM* gene results in striking changes in *B. abortus* morphology, growth in murine macrophages. We generated strains that carry *ccrM* either on a low-copy-number plasmid (strain GR131) or on a moderate-copy-number plasmid (strain GR132). Both strains show wild-type morphology and chromosome number, as assessed by flow cytometry. Strain GR132 has abnormal branched morphology, suggesting aberrant cell division, and a lower chromosome number. Although these strains exhibit different morphologies and growth rates, replication of both strains in macrophages is attenuated. These data imply that survival in host cells is not due solely to a cell division defect but is due to additional factors. Because CcrM is essential in *B. abortus* and increased *ccrM* copy number improves survival in host cells, we propose that CcrM is an appropriate target for new antibiotics.

**DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**TREATMENT OF BACTERIAL INDUCED DISEASES USING DNA METHYL TRANSFERASE
INHIBITORS**

the specification of which is attached hereto unless the following space is checked:

☒ was filed on July 9, 2003 as United States Application Serial Number 10/615,703.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

	<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>
1.			
2.			

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

	<u>Application Number</u>	<u>Filing Date</u>
1.	60/020,089	09/19/1996
2.	60/135,870	05/25/1999
3.	60/154,582	09/17/1999
4.	60/174,256	01/03/2000

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

	<u>Application Number</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>
1.	PCT/US97/16593	09/17/1997	Entered national phase
2.	09/269,137	03/16/1999	Patented
3.	09/578,991	05/25/2000	Pending
4.	09/996,420	11/29/2001	Pending

I hereby appoint the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and I direct that all correspondence be addressed to that Customer Number.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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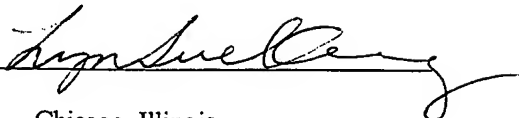
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